United Nations A/C.3/71/6

General Assembly

Distr.: General
15 November 2016

Original: English

Seventy-first session
Third Committee
Agenda item 68
Promotion and protection of human rights

Letter dated 14 November 2016 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the following information on inter-party competition and pluralism of opinions in Uzbekistan (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly under agenda item 68, "Promotion and protection of human rights".

(*Signed*) Muzaffar **Madrakhimov**

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Annex to the letter dated 14 November 2016 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Inter-party competition and pluralism of opinions

The elections for President of the Republic of Uzbekistan are held on 4 December 2016, in accordance with articles 96 and 117 of the Constitution. The elections are organized and conducted by the Central Electoral Commission and by district and local electoral commissions.

Since its independence, Uzbekistan has gradually emerged as a law-based democratic State with a civil society. In this context, a major role is played by creating the necessary conditions for the organization and regular conduct of open and free elections, which are the foundations of modern democracy.

Political forces participating in elections on the basis of their electoral platforms represent a natural process of development and progress. The evolution of a multiparty system in Uzbekistan shows that, at each stage of reform, the process has relied upon the legal framework being established and improved to foster party political activity.

The Constitution of Uzbekistan and the Public Associations Act, the Political Parties Act, the Political Parties (Financing) Act and a number of other legislative instruments adopted under the Constitution have laid a solid legal foundation for the establishment and free development of parties and public associations that express the interests of diverse sectors of the population.

The procedural and institutional framework for parties to engage in political and electoral processes has been gradually and consistently developed. Pursuant to the 2003 and 2008 amendments and additions to the Constitution and the Presidential Elections Act, the Suffrages Guarantees Act, the Oliy Majlis Elections Act and the Act on Elections to Regional, District and Municipal Councils, the Head of State, parliamentary deputies and representatives of local government are elected exclusively on a multiparty basis.

National electoral legislation in Uzbekistan has evolved over time. In 1999 political parties, representatives of local government and citizens' self-governing bodies were entitled to put forward candidates for election to parliament; in 2004 political parties and action groups had this right; and in 2009 and 2014 only political parties were granted this right. These legislative changes show that the political struggle is reaching a qualitatively new level from election to election, parties are expanding their areas of activity, their authority is increasing in society and, consequently, so is their responsibility to the people and to the country.

Granting only political parties the right to nominate candidates as deputies was another step in democratizing the State and society, shaping the bodies of representative and executive government, developing a multiparty system and strengthening inter-party competition.

The adoption of the Act on strengthening the role of political parties in the renewal and further democratization of State governance and the modernization of the country was of fundamental importance. This clearly defines the status of the parliamentary opposition and safeguards its activities. The Act was the legal basis on which the political parties UzLiDep and Milliy Tiklanish, in 2015, formed the Democratic Bloc, representing the parliamentary majority, for the effective promotion of draft laws to implement their programme objectives. In turn, the People's Democratic Party of Uzbekistan and the Adolat (Justice) Social Democratic Party of Uzbekistan group announced that they were parties of the minority parliamentary opposition.

The adoption by parliament of a policy outline on further strengthening democratic reforms and the development of civil society in Uzbekistan, elaborated in 2010 by the first President of Uzbekistan, Mr. Islam Karimov, gave a powerful impetus to the development of a multiparty system. On the basis of initiatives laid down in this document, amendments were made to the Constitution whereby the Prime Minister of the country is nominated by the political party that wins the largest number of seats in the Legislative Chamber from the elections, or by several political parties tied for first place in the number of seats won; a new concept was introduced to constitutional law: a motion of no confidence in the Prime Minister; and, in accordance with the amendments to the Political Parties Act of December 2013, the powers were also significantly enhanced of party groups of local kengashes (councils) of people's deputies.

All of this significantly increased opportunities for political parties, through their representatives in parliament and kengashes (councils) of people's deputies, to monitor the activities of government bodies and to address the most important socioeconomic development challenges at the regional level and in the country as a whole.

The Act amending and supplementing specific articles of the Constitution of the Republic of Uzbekistan (articles 32, 78, 93, 98, 103 and 117) was of particular importance for the development of a multiparty system and was a logical extension of the democratic constitutional reforms in the country over the last decade.

Public oversight of State bodies was incorporated in the constitutional framework as an important mechanism for the participation of citizens, and thus political parties, in managing the affairs of society and the State. Furthermore, as a result of amendments to the Constitution, the role of political parties in determining specific social, political and economic development priorities was significantly strengthened, and their involvement in carrying out strategic reforms and in modernizing the country was increased.

When a candidacy is being considered and approved in the Oliy Majlis of the Republic of Uzbekistan, crucially, the candidate for the position of Prime Minister must submit a short- and long-term programme of action for the Cabinet of Ministers. This allows the political parties represented in the Legislative Chamber to clearly set out their positions on the Government's programme for achieving national development milestones, and to determine the programme of action for their participation.

These and other amendments to the Constitution have created genuine conditions for an inter-party contest, a competition of ideas and programmes, and the development of the multiparty system as a whole. Today, every party must provide the electorate with a clear and understandable programme of action to address the challenges facing society and, through their deputies as representatives, must take an active part in the shaping of government agencies. Only a political party, position and programme gaining the support of the electorate has a rightful place in the political system of Uzbekistan.

In this way, legislation is building a party system that serves as a means for citizens' interests to be conveyed at the national policy level.

Full compliance with national legislation during the election campaign and a demonstration of proactive and political positions by political parties and all citizens will contribute to the successful holding of elections for President of the Republic of Uzbekistan, in full accordance with democratic principles.

United Nations A/C.3/71/7

General Assembly

Distr.: General
29 November 2016

Original: English

Seventy-first session
Third Committee
Agenda items 27 and 68

Advancement of women

Promotion and protection of human rights

Letter dated 22 November 2016 from the Permanent Representatives of Chile and Lithuania to the United Nations addressed to the Secretary-General

We have the honour to transmit to you the joint Call for Action to Reduce the Cost of Violence against Women, by the President of the Republic of Chile, Michelle Bachelet, and the President of the Republic of Lithuania, Dalia Grybauskaitė. This joint Call for Action was drawn up on the basis of the high-level discussion on the economic cost of violence against women, which took place on 21 September 2016 at United Nations Headquarters in New York.

We would be grateful if you could have the present letter and its annex issued as a document of the General Assembly, under agenda items 27 and 68.

(*Signed*) Cristian **Barros**
Permanent Representative of the
Republic of Chile to the United Nations

(*Signed*) Raimonda **Murmokaitė**
Permanent Representative of the
Republic of Lithuania to the United Nations

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Annex to the letter dated 22 November 2016 from the Permanent Representatives of Chile and Lithuania to the United Nations addressed to the Secretary-General

Call for Action to Reduce the Cost of Violence against Women

Expressing grave concern that one in three women worldwide have experienced physical or sexual violence in their lifetimes and that domestic and intimate partner violence causes more deaths than homicides or civil wars, and stressing that, in addition to being a grave human rights violation and one of the worst forms of discrimination, violence against women is also a serious drain on economic resources,

Emphasizing that the cost of violence against women could amount to around 2 per cent of gross domestic product,

Recognizing that violence against women occurs in every country, rich or poor, developed or developing, in times of conflict or in peacetime, and in both the public and private spheres,

Affirming that the direct costs of violence against women, such as expenses for the health system, counselling, the justice system, and child and welfare support, are only part of what societies pay for violence against women, because violence also has indirect costs, such as lost wages, productivity and potential, as well as long-term psychological effects,

Underlining that violence against women is a serious obstacle to implementing the 2030 Agenda for Sustainable Development and, in particular, reaching Sustainable Development Goal 5, which is to achieve gender equality and empower all women and girls,

Noting with concern that the response to violence against women to date has focused primarily on intervening after the violence has occurred, and stressing that greater resources should be dedicated to timely prevention and addressing the root causes, such as gender inequality, discrimination and gender stereotypes,

Underscoring that establishing the cost of violence against women is a powerful tool for advocacy and action aimed at supporting women, preventing abuse and ensuring the accountability of perpetrators,

Having brought together a group of Heads of State and international organizations as well as distinguished experts at the high-level discussion on the economic cost of violence against women, which took place on 21 September 2016 at United Nations Headquarters in New York,

We urgently call for:

1. Redoubling efforts to combat and eliminate all forms of violence against women, including femicide (gender-related killing of women and girls), which impede the full achievement of gender equality and the empowerment of women and have an enormous negative economic impact on women, their families and entire societies, as well as on the implementation of the 2030 Agenda, in particular

Sustainable Development Goal 5, as well as other targets on health and well-being, quality education, decent work and economic growth;

2. Recognizing that establishing the economic cost of violence against women is yet another compelling argument for drawing attention to and taking action against this grave violation of human rights and should be used as a tool to bridge the gap between declarations and real actions on the ground aimed at reducing and eliminating violence against women;

3. Emphasizing that the high cost of violence against women should under no circumstances become a justification to reduce resources but should serve as a catalyst to increase spending that would contribute to its effective elimination;

4. Strengthening the focus on preventing violence against women, and recognizing that establishing the cost of such violence is instrumental in exposing the cost of inaction;

5. Conducting national and regional studies that estimate the cost of violence against women to the respective economies and encouraging States to use the results of such surveys to adopt, fine-tune and monitor the implementation of relevant legislation and policies;

6. Ensuring that comprehensive, comparable and high-quality statistical data are available globally to demonstrate the magnitude and scope of the damage caused to individuals, families and societies;

7. Improving the sharing and adoption of good practices, at the local, national, regional and international levels, aimed at combating violence against women;

8. Stepping up the efforts of all stakeholders, including national Governments, members of parliaments, international and regional organizations, civil society and academia, to raise awareness of the urgent need to reduce the cost of violence against women.

United Nations A/C.3/71/8

General Assembly

Distr.: General
23 November 2016

Original: English

Seventy-first session
Third Committee
Agenda item 68 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 21 November 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General*

I would like to draw your attention to the legal breach, which took place on 15 November 2016, at the 48th meeting of the Third Committee, during the proceedings to take action on the draft resolution entitled "Situation of human rights in the Syrian Arab Republic" (A/C.3/71/L.24), under agenda item 68 (c).

The sponsors of the draft resolution used, for known political reasons, terminology that is in legal violation of the Charter of the United Nations and its purposes when they referred, in the text of the draft resolution, to the Syrian Arab Republic as the "Syrian regime". This illegal term was used five times in the draft resolution, in the following paragraphs: twelfth preambular paragraph and operative paragraphs 7, 10 and 24.

In response to this serious legal violation, I requested a legal opinion of the Legal Counsel of the United Nations to determine the legality of the use of such a term in United Nations resolutions when referring to a Member State.

However, the legal opinion provided was shocking, and even contrary to the Charter, its principles and objectives. The representative of the Secretariat at the meeting verbally conveyed the legal opinion of the Deputy to the Legal Counsel as follows:

> "The first, is to recall that the use of the term 'Syrian regime' is not new; it has been included in resolutions adopted by this Committee and the General Assembly. There is precedent in this respect.

* Reissued for technical reasons on 7 December 2016; previously issued under the symbol A/71/626.

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"The second point, is that while the distinguished Permanent Representative of Syria has raised whether or not the term 'Syrian regime' is legal in the context of a draft resolution, the Secretariat is of the view that this question does not rise to a legal question; it is not a question of a legal nature, per se.

"Based on this clarification provided by the Secretariat, Madam Chairperson, we recommend that we proceed with the consideration of the draft resolution, and I hope that the clarification would satisfy the delegation of the Syrian Arab Republic".

First, I would like, in this regard, to put on record our reservation and objection to the full legal opinion received from the Deputy to the Legal Counsel. Second, I will prove here the invalidity of this legal opinion and its explicit violation of the Charter of the United Nations and its principles and objectives.

Article 2, paragraph 1, of the Charter provides that "The Organization is based on the principle of the sovereign equality of all its Members".

- Based on this provision of the Charter, the realization of the principle of the sovereign equality of all Member States must be respected. In its application, it is therefore incumbent on all Member States and the United Nations to address and refer to another Member State by its formal recognized name. The commitment to using the official name of every Member State ultimately reflects respect for its people and its Government and adherence to the principle of sovereign equality.

Needless to say, the term "regime" is of a purely political nature, and the goal of using it is the political expression of disrespect for certain States and Governments. Thus, the use of this term in United Nations formal documents reflects the politicization of the Organization's tasks and resolutions, in order to achieve the well-known political agendas of some States. Therefore, we believe that it is the duty of the United Nations to distance itself from such disgraceful political behaviour. Otherwise, the United Nations is making itself the subject of suspicion and mistrust regarding its credibility, impartiality and integrity.

Thus, the use of the term "regime" in the context of the resolution referred to above is a clear legal violation of the principles of the Charter and its objectives.

This makes the legal opinion of the Deputy to the Legal Counsel inaccurate, scandalous and lacking in any legal basis. Moreover, it is in clear violation of the Charter.

Moreover, the use of the term "regime" in previous resolutions of the Third Committee, or of the General Assembly, does not mean that it became, under any conditions, an acceptable precedent. It is crucial to be aware that the legal opinion of the Deputy to the Legal Counsel poses a real threat to the standing of the United Nations and its independence and integrity. By choosing this hasty position, the Deputy to the Legal Counsel has put the Secretariat of the United Nations in the position of both adversary and judge, rather than maintaining its role and independence as the main international organ in charge of advocating and protecting the principles of justice, equality and the rule of law.

It is inevitable that violation of the Charter of the United Nations constitutes a serious legal case, which applies to the present situation.

Thus, I request that the Deputy to the Legal Counsel immediately withdraw his "legal opinion", which was presented at the meeting of the Third Committee.

I have brought to your attention this serious breach with a view to allowing you to take remedial action as soon as possible. Otherwise, this legal breach will establish a new era at the United Nations, in which some Member States will resort to such breaches, using the Organization as a tool to achieve political agendas, destroy relations among States and threaten multilateral international legitimacy.

I call upon you to use your authority to ensure that the legal opinion referred to above is rescinded.

Moreover, I request the issuance of a legal opinion based on Article 2, paragraph 1, of the Charter, as a reference when referring to any Member State in United Nations documents and resolutions.

If the Secretary-General decides otherwise, I would like to request a formal letter from the Secretariat, including the legal opinion issued by the Deputy to the Legal Counsel regarding the use of the term "regime" in resolutions adopted by organs of the United Nations, in order to take legal action to ensure that the sovereignty of the Syrian Arab Republic and all Member States is respected in accordance with the Charter and to prevent the use of any illegal precedent in violation of the Charter.

It would be highly appreciated if the present letter could be circulated as a document of the General Assembly.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative